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* *Pro hac vice* motions pending

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KRIS HENKE, an individual, Plaintiff, v. LINENS 'N THINGS, INC., an unknown business entity; and DOES 1 through 25, Inclusive Defendants.	Civil No. 08cv614-BEN(NLS) **DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE OF EARLY NEUTRAL EVALUATION CONFERENCE**

Pursuant to Local Rule 16.1(c), Defendant Linens 'n Things, Inc. ("LNT" or "Defendant") respectfully submits this Unopposed Motion For Continuance, and requests that the Court continue the early neutral evaluation conference ("ENE") currently set for May 19, 2008.

Extraordinary circumstances exist that make a continuance of the ENE appropriate. Carrie B. Hoffman, the principal attorney responsible for this case, is currently set for trial in another case for LNT on May 19, 2008. Further, the LNT representative with full authority to settle this case will

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be in trial with Ms. Hoffman. *See* Exhibit A, Declaration of Carrie B. Hoffman. Accordingly, neither counsel nor a party representative will be able to attend the ENE. For these reasons, LNT respectfully requests that the Court continue the ENE and re-set it for a later date. Both parties are available to attend an ENE on June 9-12, 16 and 17, 2008.

DATED: April 9, 2008

Respectfully submitted,

/s/

Scott E. Gizer, State Bar No. 221962
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EXHIBIT A

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

KRIS HENKE, an individual, Plaintiff, v. LINENS 'N THINGS, INC., an unknown business entity; and DOES 1 through 25, Inclusive Defendants.	Civil No. 08cv614-BEN(NLS) **DECLARATION OF CARRIE B. HOFFMAN**

BEFORE ME, the undersigned authority, on this date personally appeared Carrie B. Hoffman, who, being duly sworn, stated under oath:

1. My name is Carrie B. Hoffman. I am over eighteen (18) years of age. I have never been convicted of a crime and am fully competent and qualified to make this affidavit. I have personal knowledge of the matters contained herein, and I am submitting this Affidavit on behalf of defendant Linens-N-Things ("LNT").

2. I am a partner with the Law Firm of Gardere Wynne Sewell LLP and the principal attorney for LNT in the above-styled action.

3. I am currently set for trial in another matter for LNT on May 19, 2008. The LNT representative with full authority to settle this case will be at trial with me.

FURTHER AFFIANT SAYETH NOT.

CARRIE B. HOFFMAN

STATE OF TEXAS §
§
COUNTY OF DALLAS §

Subscribed and sworn to before me on this 9th day of April, 2008, to certify which witness my hand and official seal.

NOTARY PUBLIC STATE OF TEXAS
STEPHANIE McPHAIL
Notary Public
State of Texas
My Comm. Expires 02-20-2012

Notary Public in and for the State of Texas

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PROOF OF SERVICE

STATE OF TEXAS
COUNTY OF DALLAS

I am employed in the County of Dallas, State of Texas; I am over the age of 18 and not a party to the within action; my business address is 1601 Elm Street, Suite 3000, Dallas, TX 75201-4761

On April 9, 2008, at the direction of a member of the Bar of this Court, I served the within:

DEFENDANT'S UNOPPOSED MOTION FOR CONTINUANCE OF EARLY NEUTRAL EVALUATION CONFERENCE

on the interested parties to this action by delivering a copy thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

H Anthony Harris
Law Offices of Brictson & Cohn
2214 Fifth Avenue
San Diego, CA 92101

[X] (BY MAIL) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Dallas, Texas. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

[ ] (BY OVERNIGHT DELIVERY SERVICE) I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

[ ] (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

[ ] (BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number:

Executed this 9th day of April, 2008, at Dallas, Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/
Adele Johnson